

Applicants : Bruce D. Gaynor, et al.
Appn. No. : 08/833,838
Filed : April 10, 1997
For : PEPTIDES FOR THE TREATMENT AND DIAGNOSIS OF
SYSTEMIC LUPUS ERYTHEMATOSUS

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70. (new) The method according to Claim 54 wherein said peptide consists of X1-Gly-X1-Trp-Pro-Arg (SEQ ID NO:5), wherein X1 represents Asp or Glu.

71. (new) The method according to Claim 54 wherein said peptide is 5-30 amino acids in length and comprises d-Asp-Trp-Glu-Tyr-Ser (SEQ ID NO:4).

72. (new) The method according to Claim 54 wherein said peptide is 5-15 amino acids in length and comprises d-Asp-Trp-Glu-Tyr-Ser (SEQ ID NO:4).

73. (new) The method according to Claim 54 wherein said peptide is 5-10 amino acids in length and comprises d-Asp-Trp-Glu-Tyr-Ser (SEQ ID NO:4).

74. (new) The method according to Claim 54 wherein said peptide consists of d-Asp-Trp-Glu-Tyr-Ser (SEQ ID NO:4).

REMARKS

Claims 45-53 were pending in the subject application. By this Amendment, Applicants cancelled Claims 45-53, and added new Claims 54-74. New Claims 54-74 are supported by the specification as originally filed. Accordingly, entry of new Claims 54-74 is respectfully requested.

In the remarks which follow, Applicants respectfully request that the Examiner reconsider and withdraw the rejections set forth in the June 20, 2000 Office Action and earnestly solicit allowance of the claims currently under examination, namely, Claims 54-74.

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Sequence Listing

In compliance with the Sequence Rules, Applicants have amended the application by inserting the Sequence Listing attached hereto as Exhibit A. The sequence identification numbers also have been inserted into the specification and claims by amendment. Also enclosed herewith is a computable readable form containing the Sequence Listing (Exhibit B).

The undersigned hereby certifies that the information recorded in computer readable form is identical to the written sequence listing and does not introduce new matter into the application as originally filed.

In view of the above, Applicants respectfully submit that the present application complies with the Sequence Rules.

35 U.S.C. §112, First Paragraph Rejections

Claims 45-53 were rejected under 35 U.S.C. §112, first paragraph. Claims 45-53 have been cancelled and new Claims 54-74 have been added. Applicants respectfully submit that the specification as originally filed provides a written description and enabling disclosure for new Claims 54-74. Applicants believe that this Amendment renders this rejection moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. §§ 102(a) and 103(a) Rejections

Claims 45-46 and 49-53 were rejected under 35 U.S.C. §102(a) as being anticipated by Gaynor et al. Claims 45, 49, 51 and 53 were rejected under 35 U.S.C. §102(a) as being anticipated by Spatz et al. Claims 45-46 and 51-52 were rejected

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under 35 U.S.C. §103(a) as unpatentable over Spatz et al. Applicants respectfully traverse.

Applicants respectfully submit that the Gaynor et al. and Spatz et al. references are not prior art because these references are the inventors' own publications, and the instant application was filed less than a year from the publication dates of the Gaynor et al. and Spatz et al. references. Therefore, the rejections under 35 U.S.C. §102(a) and §103(a) are inappropriate. Reconsideration and withdrawal of these rejections are respectfully requested.

No fee other than the \$445 small entity fee for a three month extension of time is deemed necessary in connection with the filing of this Response. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 697-5995

Dated: New York, New York
December 20, 2000

By Robert L. Bernstein
Robert L. Bernstein, Reg. No. 46,020